

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

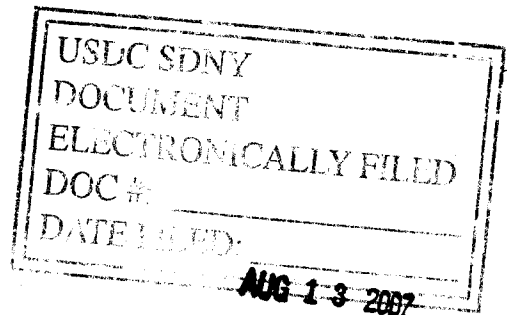
FELIX MARIZAN-BRITO,
a/k/a "Jose Miguel Gonzalez,"
JOSE EMENEGILDO MEJIA-VOLQUEZ,
a/k/a "Mejias Giovanni,"
CARLOS ROBLES,
MANUEL BALDERA,
DILENNY MERCEDES DUARTE,
MARIA ALFONSIA POLO,
MARIA EDUVIGIS POLO, and
ANTONIA BETREIZ POLO,

Defendants.

07 CRIM. 753

INDICTMENT

07 Cr.



COUNT ONE

The Grand Jury charges:

1. From at least in or about June 2007 up to and including on or about July 12, 2007, in the Southern District of New York and elsewhere, FELIX MARIZAN-BRITO, a/k/a "Jose Miguel Gonzalez," JOSE EMENEGILDO MEJIA-VOLQUEZ, a/k/a "Mejias Giovanni," CARLOS ROBLES, MANUEL BALDERA, DILENNY MERCEDES DUARTE, MARIA ALFONSIA POLO, MARIA EDUVIGIS POLO, and ANTONIA BETREIZ POLO, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that FELIX MARIZAN-BRITO, a/k/a "Jose Miguel Gonzalez," JOSE

EMENEGILDO MEJIA-VOLQUEZ, a/k/a "Mejias Giovanni," CARLOS ROBLES, MANUEL BALDERA, DILENNY MERCEDES DUARTE, MARIA ALFONSIA POLO, MARIA EDUVIGIS POLO, and ANTONIA BETREIZ POLO, the defendants, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about July 12, 2007, CARLOS ROBLES, the defendant, possessed approximately \$29,000 in Manhattan, New York.

b. On or about July 12, 2007, DILENNY MERCEDES DUARTE, the defendant, possessed approximately 7 kilograms of heroin in Manhattan, New York.

c. On or about July 12, 2007, FELIX MARIZAN-BRITO, a/k/a "Jose Miguel Gonzalez," JOSE EMENEGILDO MEJIA-VOLQUEZ, a/k/a "Mejias Giovanni," MANUEL BALDERA, MARIA ALFONSIA POLO, MARIA EDUVIGIS POLO, and ANTONIA BETREIZ POLO, the defendants, possessed approximately 6.5 kilograms of heroin in Manhattan, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, FELIX MARIZAN-BRITO, a/k/a "Jose Miguel Gonzalez," JOSE EMENEGILDO MEJIA-VOLQUEZ, a/k/a "Mejias Giovanni," CARLOS ROBLES, MANUEL BALDERA, DILENNY MERCEDES DUARTE, MARIA ALFONSIA POLO, MARIA EDUVIGIS POLO, and ANTONIA BETREIZ POLO, the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

Substitute Asset Provision


5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;
or
- e. has been commingled with other property which

cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property. (Title 21, United States Code, Sections 841(a)(1), 846 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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**FELIX MARIZAN-BRITO,
a/k/a "Jose Miguel Gonzalez,"
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CARLOS ROBLES,
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MARIA EDUVIGIS POLO, and
ANTONIA BETREIZ POLO,**

Defendants.


INDICTMENT

07 Cr. ____

(Title 21 Sections 841(a)(1), 846 and 853)

Michael J. Garcia
United States Attorney.

A TRUE BILL


Foreperson.

8/13/07TLC: Post 4/1/87 indictment filed.
Assigned to Judge Hellerstein.
Peck, M.J.